4. REMARKS / DISCUSSION OF ISSUES

Claims 1-15 are pending in the application.

Objection to the Drawings, Title and Claims

The amendment to the drawings is believed to remedy all objections.

The objections to the title and to the claims are made with no reference to applicable law or rules of practice, and are thus improper.

The title provides a clear indication of that which is claimed. For example, the preamble of claim 1 recites: "A method of extending a communication test/measurement agent." Other claims include similar features, and Applicants respectfully submit that the title "EXTENSIBLE NETWORK AGENT METHOD, SYSTEM, AND ARCHITECHTURE" is clearly descriptive of that which is claimed.

The objections to the use of the article 'A' as opposed to 'The' in the first word of each preamble are unfounded. Each dependent claim stands alone, and therefore requires no antecedent in this portion of the claim.

Applicants respectfully request withdrawal of the objections for at least the reasons set forth above.

Rejections under 35 U.S.C. § 101

The amendment to claim 12 is believed to remedy the alleged impropriety. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-15 were rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over *Barnard, et al.* (US Patent 7,231,555). For at least the reasons set forth below, Applicants respectfully submit that the rejection is improper and should be withdrawn.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen,* 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.,* 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.,* 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

a. Claims 1-7

Claim 1 recites:

A method of extending a communication test/measurement agent, comprising:

providing the communication test/measurement agent with built-in functionality to allow a communication test/measurement system or client to generically communicate with and operate the agent; and

providing the communication test/measurement agent with built-in functionality to allow the agent to automatically recognize and dynamically incorporate interface-specific plugins *that are specific to different types of communication interfaces and which allow the communication test/measurement client or system to communicate with the respective different types of communication interfaces.*

In rejecting claim 1, the Office Action directs Applicants to column 5, line 53 through column 6, line 4 for the alleged disclosure of the emphasized portion of the

claim. However, a review of column 6, lines 4-14 fails to disclose the features. To wit, column 5, line 53 through column 6, line 14 recite:

"As illustrated in FIG. 1, a Test Manager 106 provides management of how the tests are to be performed. Stated differently, the Test Manager 106 determines how to orchestrate the tests performed between the different measurements to be taken. For example, a test orchestrator (not shown), which is part of the Test Manager 106, invokes each Agent's test manager interface (domain specific test plug-ins, which may be implemented as part of an Agent Manager), such as, for example, MIB2, RMON, VQT, that is aware of how to package the resulting document to contain the elements that are useful for summarizing the test in question. This relieves the Test Reporter and Test Orchestrator from having to be programmed with any domain specific knowledge.

An Agent Manager 104 provides management of how data is to be measured. The Agent Manager 104 and the Data Collector 103 are basically two units that have specific knowledge of what needs to be supplied for the measurements.

The test of measurements to be performed must be defined. For example, the test is composed of one or more measurements. These measurements may be of the same kind or heterogeneous. Selection of the measurement to be taken may be determined by a GUI 107. Alternatively, the selection of the measurement to be taken may be determined by an automated process using an API 108. Everything about the measurement to be taken generally is defined before the test is run. Alternatively, the measurement parameters may be changed during the course of the test or tests being performed."

While this portion of the applied art does disclose a test manager that invokes each Agent's test manager interface, which includes domain specific plug-ins, and further disclose the use of an automated program interface, commonly referred to as a 'plug-in,' the API is used to determine the selection of the measurement to be taken, and does not disclose the communication test measurement agent as claimed. Specifically, the cited portion of the applied art describes that domain specific plug-ins are invoked that is aware of how to package the resulting documents, there is no disclosure of communication test/measurement agent with built-in functionality to allow the agent to automatically recognize ***interface-specific plugins***. Moreover, column 6, lines 4-14 discloses that an API may be used to determine selection of a measurement, but is void of the disclosure of a communication test/measurement agent's built-in functionality to allow the agent to automatically recognize and dynamically incorporate interface-specific

plugins. Stated somewhat differently, plug-ins and APIs are disclosed for use in this portion of *Barnard, et al.*, but there is no disclosure of the test/measurement agent as specifically claimed.

Accordingly, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 1. Therefore, a *prima facie* case of anticipation has not been established and claim 1 is patentable over the applied art. Moreover, claims 2-7, which depend from claim 1 immediately or ultimately, are patentable for at least the same reasons and in view of their additionally recited subject matter.

b. Claims 8-10

Claim 8 recites:

A method of communication with network analysis software, the method comprising:

sending requests from a communication testing console to a communication agent;

receiving the requests at the agent;

when a first one of the requests is directed to a communication interface, handling the first request with a plugin of the agent that is specific to the type of the communication interface; and

when a second one of the requests is not directed to a communication interface, handling the second request with a common generic portion of the agent.

In rejecting claim 8, the Office Action directs Applicants to column 8, lines 44-64 for the alleged disclosure of the emphasized portion of claim 8. While this portion of *Barnard, et al.* discloses that an orchestrated test may be started by an API, there is no disclosure of not directing a request to a communication interface handling the specific request, or the handling thereof with a common generic portion of the agent. The Office

Action points to the agent manager's providing metaknowledge on the management of data, but the request distinction of claim 8 is not disclosed.

Accordingly, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 8. Therefore, a *prima facie* case of anticipation has not been established and claim 8 is patentable over the applied art. Moreover, claims 9 and 10, which depend from claim 8 immediately or ultimately, are patentable for at least the same reasons and in view of their additionally recited subject matter.

c. Claims 12-14

Claim 12 recites:

A communication test/measurement agent instantiated in a storage medium, comprising:

built-in code to allow a central communication test/measurement system to generically communicate with and operate the agent; and

built-in code to allow the agent to automatically recognize and dynamically incorporate interface-specific plugins that are specific to different types of communication interfaces and which allow the network test/measurement system to communicate with the respective different types of communication interfaces.

The Office Action directs Applicants to column 5, line 53-column 6, line 14 of *Barnard, et al.* and presumably the same rationale applied in the rejection of claim 1. For at least the same reasons set forth above in the traversal of the rejection of claim 1, Applicants respectfully submit that the applied art fails to disclose at least the emphasized features of claim 12.

Accordingly, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 12. Therefore, a *prima facie* case of anticipation has not been established and claim 12 is patentable over the applied art. Moreover, claims 13 and 14, which depend from claim 12 immediately or

ultimately, are patentable for at least the same reasons and in view of their additionally recited subject matter.

d. Claim 15

Claim 15 recites:

A machine-readable storage storing information enabling a network test/measurement agent to perform a process, the process comprising:

receiving and processing generic communications from a central communication test/measurement system to generically operate the network test/measurement agent; and

recognizing and dynamically incorporating into the network test/measurement agent interface-specific plugins that are specific to different types of communication interfaces and which allow the central communication test/measurement system to communicate with the respective different types of communication interfaces.

In rejecting claim 15, the Office Action directs Applicants to column 3, lines 51-57 and column 4, lines 23-34 of the applied art. Column 3, lines 51-57 describe Fig. 1 of *Barnard, et al.* describe Fig. 1 and the Network Troubleshooting Center NTC architecture. The NTC can collect data from many different data sources and hosts. Column 4, lines 23-34 describe active testing, which involves measuring the response to a stimulus generated in a measurement set-up. However, the dynamic incorporating into the network test/measurement agent interface-specific plugins that are specific to different types of communication interfaces is not disclosed.

Accordingly, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 15. Therefore, a *prima facie* case of anticipation has not been established and claim 15 is patentable over the applied art.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
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/William S. Francos/

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